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7 Counsel for Defendants

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 ZAHRA AFTAH,)

12 Plaintiff,)

13 v.)

14 MICHAEL CHERTOFF, Secretary,)
15 Department of Homeland Security; PAUL)
16 PIERRE, District Director, U.S. Citizenship)
& Immigration Services; CHRISTINA)
17 POULOS, Acting Director, California)
Service Center; and ALBERTO)
18 GONZALES, Attorney General,)

19 Defendants.)
20

Case No. 08cv0294-JM (AJB)

JOINT MOTION TO REMAND TO U.S.
CITIZENSHIP & IMMIGRATION SERVICES

21 COME NOW THE PARTIES, Plaintiff Zahra Aftahi, by and through her counsel, Jan Joseph
22 Bejar, and Defendants Michael Chertoff, Secretary, U.S. Department of Homeland Security, et al., by
23 and through their counsel, Karen P. Hewitt, United States Attorney, and Megan Callan, Assistant United
24 States Attorney, and hereby jointly move the Court to remand Plaintiff's Complaint to the United States
25 Citizenship & Immigration Services ("USCIS").

26 Plaintiff applied for naturalization under 8 U.S.C. § 1421 et seq. on or about August 2, 2004.
27 Plaintiff complains that Defendants have failed to process her application in a timely manner and prays
28 this Court order the adjudication of her application.

1 USCIS informs Plaintiff that it is prepared to adjudicate her application, but remand is required
2 in order for the agency to adjudicate the naturalization application. See United States v. Hovsepian, 359
3 F.3d 1144, 1160-61 (9th Cir. 2004) (en banc).

4 In order that USCIS may adjudicate Plaintiff's application in the first instance, the parties now
5 jointly request that the Court remand this matter to the agency for adjudication. In the event that USCIS
6 does not adjudicate Plaintiff's naturalization application within 30 days of the date of this Court's entry
7 of an order of remand, Defendants do not oppose Plaintiff being granted 30 days leave to amend her
8 Complaint before this Court.

9 Based upon the foregoing, it is respectfully requested that the Court enter an order, remanding
10 Plaintiff's Complaint to USCIS for adjudication of Plaintiff's naturalization application.

11
12 Dated: April 3, 2008

s/ Jan J. Bejar
Counsel for Plaintiff
E-Mail: jbejar@immigrationlawclinic.com

14 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures
15 of the United States District Court for the Southern District of California, I certify that the content of this
16 document is acceptable to counsel for the Plaintiff and that I have obtained authorization from Jan Joseph
17 Bejar to affix his electronic signature to this document.

18 Dated: April 3, 2008

Respectfully Submitted,

KAREN P. HEWITT
United States Attorney

s/ Megan Callan

MEGAN CALLAN
Assistant U.S. Attorney
Counsel for Defendants
Email: Megan.Callan@usdoj.gov

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7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 ZAHRA AFTAH,) Case No. 08cv0294-JM (AJB)
12)
Plaintiff,)
13)
v.) CERTIFICATE OF SERVICE
14)
MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security; et al.,)
15)
Defendants.)
16)

17 IT IS HEREBY CERTIFIED THAT:

18 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

19 I am not a party to the above-entitled action. I have caused service of:

20 JOINT MOTION TO REMAND TO USCIS

21 on the following party by electronically filing the foregoing with the Clerk of the District Court using
22 its ECF System, which electronically notifies them.

23 Jan Joseph Bejar
Attorney for Plaintiff
24 jbejar@immigrationlawclinic.com

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on April 3, 2008.

27 s/ Megan Callan
Megan Callan
28